

*U.S. Application No. 10/047,022
Docket No. 0879-0371P
Reply filed November 23, 2005
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AMENDMENTS TO THE DRAWINGS

Attached hereto are proposed drawing changes proposing to amend Figures 6, 7 and 14. In Figure 6, element 102 is included to enhance consistency with the specification. *See, e.g., page 5, lines 5-7.* In Figure 7, the element number of the CCD 66 is changed to 60 also to enhance consistency with the specification. *See, e.g., page 6, line1.* In Figure 14, “VOICE MENO” is changed to “VOICE MEMO.” Applicant respectfully requests that the drawing changes be accepted.

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-20 were pending prior to the Office Action. Claims 21-29 are added through this Reply. Therefore, claims 1-29 are pending. Claims 1, 5, 6 and 8 are independent.

ALLOWABLE SUBJECT MATTER

Applicant thanks the Examiner for indicating that claim 6 includes allowable subject matter. *See Office Action, page 11.*

Claim 6 has been amended in independent form to include the features of claim 5. Therefore, claim 6 is allowable.

REJECTION WITHDRAWAL

Applicant thanks the Examiner for fully considering the arguments presented in the previous Reply filed on June 13, 2005 and withdrawing the rejection of claims 5-7 under 35 USC 103(c) over Okino et al. (USP 5,214,516) in view of Ohmura (USP 6,721,001).

§ 102 REJECTION – OKINO

Claims 1-4, 8-11 and 15-20 stand rejected under 35 USC 102(b) as allegedly being anticipated by Okino et al. (USP 5,214,516). *See Office Action, pages 2 – 5.* Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Okino fails to teach or suggest each and every claim element. For example, independent claim 1 recites, in part, “wherein the second function is at least one of a battery charging function or a moving image-capturing function.” In the Office Action, the Examiner alleges that Okino discloses using LED 5 of the digital camera to indicate a moving image-capturing function.

Okino specifically states that the LED 5 is used to indicate a voice recording mode, NOT a moving image-capturing function. The amount of time for audio recording is limited when the camera is in the voice recording mode, and the LED 5 is flashed to indicate to a user the amount of time remaining – 10 seconds in the example. *See Okino, column 3, lines 5-7.* In Figure 3, the LED 5 flashes once to when the voice recording is started and flashes once more after 5 seconds have elapsed. Then after seven seconds have elapsed, the

LED 5 flashes twice. The LED 5 remains emitting light for the remaining duration and ends emission of light at the end. *See Okino, column 3, lines 53-65.*

Thus, at best, Okino discloses that the LED 5 is used to indicate that the camera is in the voice recording mode. The Examiner recognizes the fact that Okino does not specifically indicate that the LED 5 is used in a moving image-capturing mode. The Examiner attempts to cover for this deficiency by alleging that in the voice recording mode, the audio and video are recorded simultaneously.

The Examiner did not succeed. First, the Examiner did not demonstrate that the moving image capturing **cannot** occur in a mode other than the voice recording mode. Indeed, the suggestion is quite the opposite. Okino clearly states that the release switch 1 can be used to put the camera in the voice recording mode **or** a non-voice recording mode.

Second, the Examiner did not demonstrate that the image capturing that occurs with the voice recording mode is a moving-image capturing.

Third, even if the image capturing is moving image capturing, the Examiner did not demonstrate that the image capturing stops when the voice recording ends.

Simply put, the Examiner did not demonstrate that there is a one-to-one relationship with recording of the voice and the recording of a moving picture. For at least the reasons stated above, claim 1 is distinguishable over Okino.

Independent claim 8 recites, in part “indicating a second function utilizing the indicating device, wherein the second function includes a battery charge processing or a moving image-capturing.” Clearly, Okino cannot teach or suggest this feature. Thus, for least this reason, claim 8 is distinguishable over Okino.

Claims 2-4, 9-11 and 15-20 depend from independent claim 1 or 8 directly or indirectly. Therefore, for at least due to the dependency thereon as well on their own merits, claims 2-4, 9-11 and 15-20 are also distinguishable over Okino.

Applicant respectfully requests that the rejection of claims 1-4, 8-11 and 15-20 based on Okino be withdrawn.

§ 103 REJECTION – OKINO, OHMURA

Claims 12-14 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Okino in view of Ohmura et al. (US Publication 2003/0011702). *See Office Action, pages 6 – 7.* Applicant respectfully traverses.

For a §103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Claims 12-14 depend from independent claim 8, which recites, in part “indicating a second function utilizing the indicating device, wherein the second function includes a battery charge processing or a moving image-capturing.” In other words, the indicating device, which is located in the camera, is used to indicate the battery charge processing if the second function includes the battery charge processing.

In the Office Action, the Examiner admits that Okino does not disclose the above-recited feature. *See Office Action, page 6, lines 3-8.* But contrary to the Examiner’s allegation, Ohmura cannot correct this deficiency of Okino.

Ohmura discloses that a docking station 5 has an AC adapter 5e. *See Ohmura, paragraph [0070]; Figure 4.* When the digital camera 6 is mounted into the docking station, power charging is triggered after the data transmission is completed. *See Ohmura, paragraph [0071].* The LED 5m (of the LED 5i) is used to indicate a state of battery recharging.

However, the LED 5m **is part of the docking station 5**, not a part of the camera 6. One of ordinary skill, when presented with Okino and Ohmura, would simply be motivated to provide a docking station with the LED built into the docking station to provide indication of the battery charging operation. One of ordinary skill would **not** be motivated to alter the indicator LED of the camera itself.

Clearly, independent claim 8 is distinguishable over the combination of Okino and Ohmura. Then for at least due to the dependency thereon as well as on their own merits, claims 12-14 are distinguishable over the combination of Okino and Ohmura.

Applicant respectfully requests that the rejection of claims 12-14 based on Okino and Ohmura be withdrawn.

§ 103 REJECTION – OKINO, MATSUO, OHMURA

Claims 5 and 7 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Okino in view of Matsuo (US Patent 6,526,293) and in further view of Ohmura. *See Office Action, pages 9 – 10.* Applicant respectfully traverses.

In the Office Action, the Examiner relies upon Ohmura to disclose the feature of the digital camera having a charging function by voltage source input from the power output of the cradle. *See Office Action, page 9, lines 6-9.* But

as clearly demonstrated above, one of ordinary skill would **not** modify the camera itself to include the battery charging operation.

Therefore, for at least this reason, claim 5 is distinguishable over the combination of Okino, Matsuo and Ohmura. For at least due to the dependency thereon as well as on its own merit, claim 7 is also distinguishable over the combination of Okino, Matsuo and Ohmura.

Applicant respectfully requests that the rejection of claims 5 and 7 based on Okino, Matsuo and Ohmura be withdrawn.

NEW CLAIMS

Claims 21-29 are added through this Reply. All new claims depend from independent claim 1, 5 or 8 directly or indirectly. Applicant respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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